



Office of Child Welfare Investigations

Vision and Values

- The Office of Child Welfare Investigations is committed to the uniform investigation of criminal conduct allegations of child abuse throughout the State of Arizona.
- We recognize that the responsibility for child safety must be shared among the Office of Child Welfare Investigations, Child Protective Services, Law Enforcement, Multi-Disciplinary Partners and the community.
- We understand that some conditions not directly related to criminal conduct child abuse can evolve into severe or recurrent maltreatment when not effectively addressed.
- Therefore, the Office of Child Welfare Investigations is committed to maintaining open communication and emphasizing uniform investigations and child abuse prevention in the community.
- We promote the acceptance of personal responsibility for one's actions as the essence of good character.
- We pledge total accountability for our actions and are committed to holding others answerable for theirs.
- We respect and honor the inherent dignity of all people and pledge fair and equal treatment for all.
- We demand the highest degree of integrity and professionalism from all members of the Office of Child Welfare Investigations.
- We aspire to the highest ideals of personal conduct in every word and deed. We are dedicated to the relentless performance of our duty in pursuit of an improved quality of life for children and families.



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Employee Excellence

- The men and women of the Office of Child Welfare Investigations are its greatest asset.
- We will recruit only those persons who live by these guiding values.
- We support our members by pursuing the finest training, technology, and equipment.
- We are committed to open, effective internal communications.
- We encourage innovation and value the participation of all members of the Office of Child Welfare Investigations in the creation and realization of our goals.

Background and Scope

The Office of Child Welfare Investigations (OCWI) was established following the enactment of Arizona House Bill 2721, and derives its statutory authority within Arizona Revised Statutes Section 41-1969.01. The Office of Child Welfare Investigations is charged with investigating criminal conduct (CC) allegations of child abuse with the appropriate local law enforcement agency.

Goals/Objectives:

The principal goal of the Office of Child Welfare Investigations is to protect children by conducting uniform investigations into allegations of criminal conduct child abuse. The Office of Child Welfare Investigations will enhance the quality and efficiency of investigations by maximizing resources through a joint investigative process. The Office of Child Welfare Investigations will assist Law Enforcement and Prosecutors in holding offenders accountable. The Office of Child Welfare Investigations will assist Child Protective Services and the Attorney General's Office in their assessment of long term safety and best outcomes for children.

The Office of Child Welfare Investigations will represent the Arizona's Department of Economic Security during criminal conduct child abuse investigations. Criminal conduct is defined in Arizona Revised Statutes 8-801. The Office of Child Welfare Investigations will have criminal justice agency status but will not replace Law Enforcement's primary role and duty to investigate



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crimes against children. The Office of Child Welfare Investigations may employ sworn peace officers; however, civilian non-sworn investigators will comprise the majority of personnel.

The Office of Child Welfare Investigations has the authority to protect children by taking temporary custody when safety cannot be guaranteed. The Office of Child Welfare Investigations will determine whether temporary custody is necessary when criminality is detected and safety cannot be assured. This process will require collaboration among Office of Child Welfare Investigations, Child Protective Services, and Law Enforcement personnel. In matters of dispute, all measures will be taken to gain consensus, however, the Office of Child Welfare Investigations will have final decision making authority. An escalation process has been identified for dispute resolution. This process pertains to personnel representing Arizona's Department of Economic Security, not local law enforcement.

The Office of Child Welfare Investigations will employ investigative research analyst(s) to research, collect, collate, analyze and disseminate criminal history and other information to enhance criminal conduct investigations. Investigative Research Analysts can strengthen prosecutions of those who commit criminal acts upon children, and provide historical perspectives to aid in child safety and placement decisions.

The Office of Child Welfare Investigations will report statistics of criminal conduct child abuse reports and joint investigations to the Governor's Office.

Incoming Referrals:

The Office of Child Welfare Investigations will primarily receive referrals from the Child Abuse Hotline.

Referrals to the Office of Child Welfare Investigations can be submitted by Child Protective Services staff if, during the course of a CPS investigation, it is believed that Criminal Conduct is present and assistance from OCWI is needed.

The Office of Child Welfare Investigations may conduct independent reviews of CPS cases with history of three or more prior reports on record for indications of criminal conduct.

Preliminary Review and Report Assignment by Manager:



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- I. Upon receipt of a report from the Child Abuse Hotline, the OCWI Manager reviews and confirms the classification assigned by the Child Abuse Hotline to ensure that the Criminal Conduct classification is valid. If the OCWI Manager believes the report is not related to Criminal Conduct (CC) he will request that the Hotline Supervisor complete a quality assurance review and remove the CC tracking characteristic.
- II. If the OCWI Manager concurs with the Criminal Conduct classification, the manager will determine the appropriate response time and assign the report to an OCWI Investigator. OCWI response times are classified as follows:
 - a. Emergent: OCWI Investigator will initiate an immediate response (Priority 1 reports and anything OCWI determines as emergent).
 - b. Non-Emergent: OCWI Investigator will initiate a response within 24 hours.
- III. The OCWI Manager will communicate and coordinate the initial investigative needs and response guidelines to the OCWI Investigator.

Initial Response:

- I. Upon assignment of a report, the OCWI Investigator will conduct an initial review of historical information.
 - a. The OCWI Investigator will conduct an initial criminal history check on alleged perpetrators and adults in the home. The criminal history information should be used in developing a strategy to initiate and assist in decision making concerning the safety of the children and OCWI staff.
 - b. The OCWI Investigator will review the CPS prior history on the family and alleged perpetrators identified in the report.
- II. The OCWI Investigator will contact and interview the source of the report under the following conditions:
 - a. The source is identifiable and available.
 - b. The contact will not harm an ongoing criminal investigation..



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- III. The OCWI Investigator will contact Child Protective Services and Law Enforcement to develop an investigative strategy pursuant to the joint investigative protocol.
 - a. The investigative strategy will be staffed with the OCWI Manager or designee.
 - b. The OCWI Investigator will still respond even if Child Protective Services or Law Enforcement will not respond.
- IV. The OCWI Investigator will participate in a briefing with Child Protective Services and Law Enforcement to coordinate investigative assignments. This should include the following:
 - a. Coordination regarding which entity will complete interviews of report participants and agreement as to the order of interviews.
 - b. Coordination and assignment of other investigative tasks.
- V. All reasonable support and assistance shall be provided to staff members who experience violence or the threat of violence while conducting criminal conduct investigations. If information indicates that a situation may be dangerous, the OCWI Investigator should request an escort from law enforcement. If involved in a dangerous situation while escorted by law enforcement, OCWI staff should wait in a safe area and be available to engage in the criminal conduct investigation when the situation is secured by law enforcement. If unescorted and involved in a dangerous situation, OCWI staff should leave immediately, call 9-1-1, and notify an OCWI Manager when safe.

Interviews:

- I. The OCWI Investigator will ensure that all interviews pertinent to addressing the alleged criminal conduct are completed. In accordance with Joint Investigation Protocols, care should be taken to not duplicate child victim interviews. Law Enforcement permission should be obtained prior to conducting interviews that may compromise an ongoing criminal investigation. Additionally (per 8-821 TCN), the OCWI Investigator may transport the child to an advocacy center or medical facility for forensic interviews and medical examination, as appropriate.
 - a. In scenarios when Law Enforcement conducts interviews:



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- i. OCWI Investigators may monitor all interviews unless it impedes the criminal investigation.
 - ii. OCWI Investigators may obtain digital or written records of the interviews.
- b. In scenarios when OCWI Investigators conduct interviews:
 - i. Approval will be obtained from Law Enforcement (as practicable) to proceed in interviewing all pertinent parties.
 - ii. The CPS investigator will be permitted to monitor interviews conducted by OCWI when appropriate.
 - iii. The CPS Investigator will obtain approval (as practicable) prior to conducting interviews on cases assigned to OCWI Investigators.
 - iv. When possible, the interview sequence will be conducted as follows:
 - 1. Source of report;
 - 2. Non-abusing Parent/Spouse/Caretaker;(if it will not impede or compromise the criminal investigation);
 - 3. Alleged victim if the child's age and intellectual/emotional acuity permit;
 - 4. Siblings/other children in the home;
 - 5. Alleged perpetrator (with Law Enforcement permission);
 - 6. Other persons who may have information regarding the alleged abuse.
 - v. Other individuals should be interviewed when the following criteria are present:
 - 1. Other children in the home where the child victim lives if different than the home where the abuse or neglect occurred and who may have relevant information pertaining to alleged criminal conduct child abuse.



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2. Other children (such as step-children) who frequent the home where the abuse occurred and who may have relevant information pertaining to alleged criminal conduct child abuse.
3. Non-custodial parent if he/she has parenting time with the child victim or may have relevant information pertaining to alleged criminal conduct child abuse.
4. The non-custodial parent's significant other if he/she may have relevant information pertaining to alleged criminal conduct child abuse.
5. Any other individuals who may have knowledge pertaining to allegations of criminal conduct child abuse such as:
 - a. school personnel;
 - b. medical providers;
 - c. child care providers;
 - d. relatives;
 - e. neighbors;
 - f. child playmates/schoolmates (with parental permission).

***all interviews will be digitally recorded unless circumstances exist preventing this preservation of record.

Conducting Interviews:

- I. Determine who will be interviewed and what location is most suitable.
 - a. In addition to the members of the household, identify other persons who may have information that will help determine whether the child is safe at the present time, whether abuse occurred, and to what extent there is risk of future harm. Individuals who know the family may be able to support the family during the



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process and if needed assist the family in creating a safe environment for the child.

- b. Consider the advantages and disadvantages of interviewing at school, at home, in the OCWI office, or in another safe and neutral location.
- c. When interviewing the child, conduct the interview in a way that maximizes the ability to elicit spontaneous responses and to decrease the possibility of coached or rehearsed answers. Ask open ended questions. (All OCWI investigators will be trained in basic and advanced forensic interview techniques.)

II. Determine if interviews should be by appointment or unannounced.

- a. Given the particular allegations, how important is it to observe the home environment untouched?
- b. Given the particular allegation, how important is it to interview or observe the child(ren) alone prior to the parent's knowledge?
- c. From the information available, does it seem likely that the family will cooperate with or be resistant to the investigation?
- d. Does the information indicate that the family is relatively stable with strong ties to the community or are they likely to avoid investigation by leaving before you arrive?

III. Determine if the interview should be conducted alone or whether the OCWI Investigator should be accompanied by another staff member, or in case of safety concerns, a law enforcement officer.

- a. From the information available, what is the likelihood of encountering violent behavior, illegal activities, or weapons in the home or the community?
- b. How isolated is the family's home?
- c. How many people are likely to be present? How many will need to be interviewed?
- d. Is there indication that an interpreter will be necessary?
- e. Does the situation demand the specialized expertise of another staff member?

Interview Considerations:

I. Victim and Witness Interviews:



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- a. Conduct the interview as soon as possible while the person's memory is fresh.
 - b. Interview every witness and victim.
 - c. Attempt to schedule interviews at the convenience of the victim/witness.
 - d. Document everything said by each victim/witness.
 - e. Record all interviews.
- II. Alleged Perpetrator Interviews:
- a. Document everything said by the alleged perpetrator.
 - b. Suspects may make contradictory statements that will help impeach later testimony.
 - c. Investigators should keep an open mind and allow for the possibility the alleged abuser perpetrator did not commit the crime.
 - d. The suspect's statement must be voluntarily given; the interview will not include force, threats, promises, or psychological plots to obtain a statement.
 - e. Record all interviews of alleged perpetrators.
- III. OCWI investigators are civilian, non-sworn personnel representing Arizona's Department of Economic Security. OCWI investigators are not required to advise alleged perpetrators of their Miranda Rights.
- IV. OCWI Investigators cannot arrest or otherwise place an alleged perpetrator into custody.
- V. OCWI investigators are neutral finders of fact as it pertains to criminal conduct abuse investigations.
- VI. OCWI investigators will promptly identify themselves to the alleged perpetrator prior to beginning an interview. OCWI investigators will show proper credentials and verbally identify him/herself as follows:
- a. "My name is _____. I am a civilian investigator for the Office of Child Welfare Investigations. I am here representing the Department of Economic



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Security. (This greeting will also apply to all telephonic interactions. All telephonic interactions will be digitally recorded.)

Evidence Collection:

- I. The OCWI Investigator may ensure the accurate and thorough identification and preservation of physical, testimonial and circumstantial evidence for the purpose of criminal prosecution and/or civil proceedings pertaining to child welfare. Any item that represents original evidence, which cannot be replicated and needs to be preserved for future analysis, comparison and presentation in a criminal proceeding, is the responsibility of the local law enforcement agency of jurisdiction. (such evidence could be, but is not limited to DNA samples, rape kits, clothing, bedding, weapons, and any other item needed for lab analysis)
- II. The OCWI Investigator may facilitate forensic medical examinations. Forensic medical examinations are generally required for cases involving criminal conduct allegations, especially when sexual abuse is indicated. The OCWI Investigator will consult the county's joint investigation protocol to determine whether a forensic medical examination is required and who is the authorizing party.
- III. The OCWI investigator may ensure the collection of biological evidence occurs upon discovery that a child victim has alleged sexual contact by a parent, caretaker or guardian which occurred within the past five days or 120 hours.. (This is determined by a medical professional for prepubertal child victims and is based on the likelihood of obtaining biological evidence in balance with the invasiveness of evidence collection on the child victim) The OCWI investigator will contact the law enforcement agency of jurisdiction to facilitate the collection of evidence. If law enforcement is unavailable, the OCWI investigator may arrange the examination and collection of evidence by a Child Abuse Pediatrician, qualified Nurse Practitioner or SANE-P when appropriate (in areas where a Family/Child Advocacy Center may not be available). The examining nurse or physician will retain the evidence and contact the law enforcement agency of jurisdiction for proper impounding of evidence.
- IV. Audio Recordings:



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- a. When investigators audio record an interview with a suspect, witness, or victim in the course of a joint investigation, the audio recordings will be preserved on a secure server. Upon request copies will be furnished to the law enforcement officer of responsibility to impound for future criminal proceedings
- b. Audio recordings will be preserved even if the contents are transcribed.
- c. A written report/case note will make reference to the use of the recorder, the substance of the information, and where/how the audio recording was preserved.

V. Digital Photographs:

- a. OCWI investigators will ensure photographs are taken in order to preserve a representation of an injury to a child consistent with a violation of ARS~8-801.
- b. If a law enforcement officer or crime scene photographer is unavailable, the OCWI investigator will take digital photographs using a color chart to clearly depict any reports of injuries, visible or not. The OCWI investigator may also take digital photographs of environments and objects to support or refute an allegation involving ARS~8-801.
- c. When OCWI investigators take digital photographs of a child victim or scene in the course of a joint investigation, the photographs will be preserved on a secure server. Upon request copies will be furnished to the law enforcement officer of responsibility to impound for future criminal proceedings.

****Reference OCWI Investigation Checklist**

Protection Assessment/Removal:

- I. The OCWI Investigator, in consultation with Law Enforcement and CPS, will make a determination as to whether the child(ren) require protection. The following factors will be considered in conducting a protection assessment:
 - a. Will the non-offending parent/guardian protect the child? Did the non-offending parent act in a protective capacity prior to and throughout the investigation? Does the non-offending parent believe the child?
 - b. Has the considered relative placement or guardian been cleared from possible involvement into criminality involving the affected child(ren)?



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- c. Will the child(ren)'s Victim Rights be preserved if allowed to remain in the home? This includes the right to be protected against harassment, intimidation, or abuse and to be treated with respect, dignity and fairness, as applicable pursuant to Article II, Section 2.1, Constitution of Arizona.
 - d. The nature and egregiousness of the alleged crime.
 - e. In cases of child fatality, is the cause of death undetermined and will the Office of the Medical Examiner be performing an autopsy (post mortem exam)?
 - f. Are any other factors present upon initial response that suggest the child(ren) could be in danger?
- II. If the OCWI Investigator determines a child(ren) requires protection; a Protective Action Plan/Safety Plan will be established. A Protective Action Plan/Safety Plan could include implementing a safety monitor under a consensual agreement from the parent/guardian; or removal from the home. All Protective Action Plans must be approved by an OCWI Manager.
 - a. Implementing a Safety Monitor: A safety monitor may be utilized to assist in ensuring child safety during the ongoing investigation. The assessment of the potential safety monitor should include the following:
 - vi. DPS Criminal Background Checks on all adults in the home;
 - vii. CPS History check on all adults in the home;
 - viii. Has demonstrated the ability to protect the child in the past (with or without CPS involvement) while under similar circumstances and family conditions;
 - ix. Believes the child's report of maltreatment and is supportive of the child;
 - x. Is capable of understanding the specific threat to the child and the need to protect the child;
 - xi. Displays concern for the child and the child's experience and is intent on emotionally protecting the child;



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- xii. Has a strong bond with the child and he/she is clear that the number one priority is safety and well-being of the child;
- xiii. Is physically able to intervene and protect the child;
- xiv. Does not have significant individual needs which might affect the safety of the child, such as severe depression, lack of impulse control, medical needs, etc.;
- xv. Is emotionally able to carry out a plan and/or intervene to protect the child (not incapacitated by fear of maltreating person);
- xvi. Has adequate knowledge and skill to fulfill caregiving responsibilities and tasks. (This may involve considering the caregiver's ability to meet any exceptional needs that the child might have.);
- xvii. Has asked, demands and expects the maltreating adult to follow the conditions of the safety plan and can assure that the plan is effectively carried out;
- xviii. Consistently expresses belief that the maltreating person is in need of help and that he or she supports the maltreating person getting help. (This is the individual's point of view without being prompted by CPS.);
- xix. Is cooperating with all aspects of the criminal investigation as requested by law enforcement;
- xx. If applicable, understands the maltreating person is wanted by law enforcement and/or has been charged and is awaiting criminal proceedings involving an offense listed in ARS 8-801. In such cases, the placement will not place the child at risk of contacting the offender.
- xxi. While having difficulty believing the other person would maltreat the child, the individual describes the child as believable and trustworthy;
- xxii. Has adequate resources necessary to meet the child's basic needs, including the financial ability to provide for the child during the prolonged absence of the maltreating person;



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- xxiii. Is cooperating with the CPS Specialist's efforts to provide services and assess the specific needs of the family; and
- xxiv. Does not place responsibility on the child for the problems of the family.
- b. Removal: Following consultation and approval of an OCWI Manager, an OCWI Investigator may serve a Temporary Custody Notice, CPS-1000A, to remove the child(ren) if it is deemed necessary to protect the child(ren).
 - i. If the CPS Supervisor is in disagreement with the removal decision, they can seek conflict resolution through the CPS and OCWI chains of command.
 - ii. The CPS Investigator will be responsible for all Child Welfare functions following removal including placement, dependency petition and service provision.
 - iii. The CPS Specialist, in consultation with the OCWI Investigator and Law Enforcement, will determine the conditions necessary to ensure a child's safety following removal, including whether or not emergency placement with a relative or person who has a significant relationship with the child is appropriate during the ongoing criminal investigation. A relative or significant other being considered for placement must meet all of the conditions noted above (Implementing a Safety Monitor). If the OCWI Investigator is in disagreement with the placement decision he/she can seek conflict resolution through the OCWI and CPS chains of command. The placement cannot occur until resolution has been reached.
 - iv. The OCWI Investigator, in consultation with Law Enforcement and CPS, will determine whether or not the parent/guardian should be permitted to have contact with the child(ren) during the ongoing criminal investigation. This includes the preservation of the child(ren)'s Victim Rights.
 - v. The OCWI Investigator may attend the Team Decision Making meeting following the removal of a child from the home. In cases in which it is believed a Team Decision Meeting could compromise a criminal investigation, the OCWI Manager will contact the CPS Assistant Program



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Manager to determine whether or not a Team Decision Making meeting will occur.

- c. **Conflict Resolution:** If at any time during a joint investigation with the CPS, there is a disagreement with critical decisions that could impact child safety or the criminal investigation (e.g. removal decision or placement decision); the OCWI Investigator and CPS Investigator may elevate the issue through their chains of command to seek resolution. If the issue cannot be resolved at the lowest level within the chains of command, the conflict resolution process will be as follows:
 - OCWI Manager and CPS Assistant Program Manager
 - OCWI Chief and DCYF Assistant Director
 - DES Director and Deputy Directors
- III. If a Protective Action Plan/Safety Plan is in place, the CPS Case Manager/Investigator and their CPS Supervisor must schedule a staffing with the OCWI Investigator and Manager to discuss the status of the criminal investigation prior to lifting the Protective Action Plan/Safety Plan, changing a Safety Monitor or returning the child to the home.
- IV. If the Department files a dependency petition in regards to a child that is the subject of an OCWI Investigation; the OCWI Investigator will be available to testify as to their investigation at any subsequent hearing as requested by the Assistant Attorney General. If the OCWI Investigator intends to attend a dependency hearing, they should consult with CPS and the Assistant Attorney General prior to the hearing regarding the case status.

Ongoing Information Gathering:

- I. **Documents:** The OCWI Investigator will ensure all documents/records that could be pertinent to the case are obtained. The documents/records can include but are not limited to the following:
 - a. Medical Records including birth, immunization, pediatric, hospital, forensic exams, autopsy reports.
 - b. Behavioral Health Records.



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- c. Drug/Toxicology Screens.
 - d. School or Child Care Records.
 - e. Police Reports.
 - f. Criminal Histories.
 - g. Child Welfare Records from other jurisdictions.
- II. The OCWI Investigator will document a list of records that have been reviewed during the course of the investigation in the Case Notes (LCH080) window under the case note type, "OCWI Investigation".
- III. The OCWI may employ Investigative Research Analysts who can be utilized to complete any of the following tasks:
- a. Conducts research using local and commercial databases and open source data on person(s) involved in an investigation. Open source research includes information generally available to the public, such as social security number verification, published telephone listings, business and/or property ownership, social network activity, some judicial records, news articles, professional licenses, and other similar data. While this information is often not verified or vetted, it may still be beneficial and/or may corroborate or contradict additional information received.
 - b. Disseminates information obtained from research conducted to the OCWI Investigators in support of Criminal Conduct allegations.
 - c. Contacts other jurisdictions (e.g., other states) to obtain information, if applicable.
 - d. Provides information that may assist in locating missing persons who are of interest to an open investigation.
 - e. May use software to create visual representations of complex investigative data such as maps, graphs, link/relationship charts, and timelines.
 - f. May analyze information to identify patterns or trends that will be provided to OCWI and DES management for their assessment and use in developing action plans, directives, or changes in statutory authority.



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ACJIS/NCIC Access and Security Policy:

- I. The Arizona Criminal Justice Information System (ACJIS) is the state information system that provides Arizona criminal justice agencies with record information such as Criminal History, Sex Offender Registration, Identity Theft, DOC, LEJIS, MVD files and ACIC/NCIC persons and property information. Only approved OCWI personnel will have access to ACJIS.
- II. System Security Officer (SSO): OCWI has one System Security Officer (SSO) who is the main contact to DPS and is responsible for ensuring agency compliance with state and NCIC policy and regulations including:
 - TOC requirements;
 - Training;
 - Audits;
 - Quality Control;
 - Misuse of the system.

The SSO may designate alternate SSOs to assist with SSO responsibilities. OCWI personnel who are users of ACJIS are required to notify the OCWI SSO or alternate SSO if:

- the ACJIS system appears to be out of service or functioning improperly;
 - misuse of the ACJIS system is suspected.
- III. System Access: Federal and State guidelines have been established to ensure that personnel having access to data stored in criminal justice databases are thoroughly screened under the authority and supervision of the National Crime Information Center (NCIC) and the Arizona CJIS System Agency.
 - Access to information on the ACJIS/NCIC network is limited to authorized users of Arizona criminal justice agencies for the administration of criminal justice or for criminal justice employment only.



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- Authorized users are criminal justice personnel who have a criminal justice employment background check (including applicant fingerprint card) and who are trained on the rules and regulations of ACJIS/NCIC information and have been TOC tested, if applicable.
- Agencies will conduct a criminal justice employment background check of prospective ACJIS terminal operators prior to use.
- Prospective users must provide basic information, to include name, date of birth, and hire date, for a criminal justice employment background check. An applicant fingerprint card must be submitted to the central state repository (CSR) for technical comparison on each prospective ACJIS terminal operator.

IV. Training: All OCWI personnel requiring ACJIS access for the performance of their duties shall complete the following training requirements:

- initial Privacy and Security training;
- Terminal Operator Certification (TOC) testing within 6 months of employment or assignment and biennially thereafter;
- and CJIS Security and Awareness Training.

V. System Security:

- OCWI ACJIS terminals will be located in such a manner that only authorized personnel are able to view the information on the monitor and/or the printer.
- ACJIS and NCIC manuals, training materials, and any other related publications or printouts must be maintained in a restricted access area.
- All visitors to ACJIS terminal areas must be accompanied by staff personnel at all times.
- TOC # and password information should only be used by the assigned user.

VI. Information Access and Dissemination: All information obtained by the use of the ACJIS system must be used for a valid criminal justice purpose only.

- a. ACJIS information may be disseminated via:



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- Email as long as the DES secure email process is utilized or the use of encryption (password protected);
- Fax, permitting the recipient is able to confirm the information shall be collected in a timely manner.

b. ACJIS information may not be:

- sent via cellular telephone (picture mail or texts) or any unauthorized handheld device;
- kept in an archived case file;
- given to the person of record;
- used for personal uses or for curiosity purposes;
- given, shown or told to unauthorized personnel.

c. All ACJIS transactions shall be logged at the time of the inquiry and will include:

- the name of the person performing the inquiry
- the name of the person(s), vehicle(s), or other information of record
- the OCWI case number to which the inquiries are related

d. Dissemination of all criminal history information that is given to another criminal justice agency (whether electronically, verbally or physically) is considered secondary dissemination. OCWI personnel will not be permitted to secondarily disseminate any information obtained from ACJIS. OCWI personnel must dispose of all ACJIS/NCIC information in designated shredder containers when no longer needed. ACJIS information is not to be discarded in trash cans.

VII. Non Compliance: ACJIS Information is not public record and may only be accessed for the administration of criminal justice or for criminal justice employment only.

- a. According to Arizona Revised Statute (A.R.S) 41-1750(D), a person who knowingly or recklessly permits unauthorized access or releases or procures the release of criminal justice information, other than as provided in this section, or



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who uses such information for a purpose other than as provided by this section is guilty of a Class 6 felony.

- b. Individual users and/or OCWI may be sanctioned for non-compliance, including, but not limited to:
 - discipline up to and including termination,
 - discontinuance of ACJIS access for the agency, and
 - civil and/or criminal prosecution.

Records Management:

- I. The OCWI Investigator will retain records for all information/documentation collected during the course of the OCWI investigation. Any hard copy documents that are obtained during the course of the investigation will be scanned and stored on a secured server. Once the documents have been scanned, the original documents will be forwarded to the assigned CPS Case Manager to be included as part of the CPS case record.
- II. The OCWI Investigators and Managers will document all other case activities in the CHILDS Information Library and Data Source (CHILDS) system.
 - a. Interviews and investigation interactions will be documented in the Case Notes (LCH080) window under the note type, "OCWI Investigation".
 - b. If the OCWI Investigator is the initial responder, the Report response information will be documented in the Report Detail (LCH031) window.
 - c. The OCWI Investigator will complete the Joint Investigation Detail (LCH431) in order to document whether a joint investigation was conducted, the contact date, the law enforcement agency involved and the name and contact information for the lead case agent (LE).
 - d. The OCWI Investigator will complete the Investigation Allegation Findings (LCH048) window for the allegations relating to Criminal Conduct.



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- e. The OCWI Investigator will enter information as to whether Criminal Conduct was confirmed in the Investigation Tracking Characteristic Findings (LCH049) window.
- III. Records and information pertaining to the investigation will be shared with Law Enforcement as outlined in the county of jurisdiction's Multidisciplinary Protocol.
- IV. Release of Records: The Department's case records are confidential and shall not be released, except as specified by law. Information received from the OCWI, including the OCWI documentation within the CHILDS case record, is CPS information and subject to the same confidentiality protection afforded all CPS information.

When a case involves a cooperative investigation with the OCWI and a records request is received or a dependency is initiated, the CPS Specialist will contact the OCWI Investigator prior to releasing any information.

In an open dependency case, the CPS Specialist has an ongoing duty to disclose information, including information that was received from the OCWI, to the other dependency parties unless disclosure could:

- endanger a person,
- identify the reporting source of a CPS report,
- cause specific, material harm to an investigation, or
- violate a federal or state law.

Within 24 hours prior to the preliminary protective hearing, the CPS Specialist must disclose all CPS information to the other parties in the dependency. The CPS Specialist must continue disclosing all CPS information to dependency parties throughout the life of the dependency within five days of creating or receiving the information. In addition, the Department is required to promptly provide CPS information regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality.

The Department is not required to release CPS information when such release would cause a specific, material harm to a Child Protective Services, OCWI or criminal investigation or when such release would likely endanger the life or safety of any



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person. If the Department releases CPS information, it must take reasonable precautions to protect the identity and safety of the reporting source.

If it is believed that the release of records may harm a criminal investigation, the OCWI Investigator (or the CPS Specialist in a case not involving the OCWI) will contact the County Attorney's Office. If the County Attorney agrees that the disclosure of information would cause a specific, material harm to the criminal investigation, the County Attorney must provide the OCWI or CPS written documentation supporting his/her assertion.

For more information on releasing CPS records, see existing DCYF Policy, Chapter 7, Section 2.

Findings and Conclusions:

- I. The OCWI Manager and OCWI Investigator will meet at least 30 days into the investigation to discuss the status of the investigation. The OCWI Manager will determine whether or not enough information has been gathered to enter a finding as to the criminal conduct allegations.
 - a. The OCWI Manager and OCWI Investigator will continue to meet every 30 days until a finding determination is made.
 - b. If the OCWI is unable to make a finding determination at the 45 day mark due to an ongoing criminal investigation, the OCWI Manager will email the CPS Supervisor to indicate the investigation is still ongoing.
- II. Once a finding determination as to the criminal conduct allegation is made by the OCWI Investigator and approved by the OCWI Manager, the OCWI Investigator will enter the findings statement into the CHILDS system. The findings statement will be in accordance with DCYF Policy & Procedure (Chapter 2, Section 5). The OCWI Investigator will email the CPS Supervisor to inform the supervisor that findings have been entered and are ready for approval.
 - a. If the CPS Supervisor concurs with the finding, the CPS Supervisor will approve the findings statement in the CHILDS system.
 - b. If the CPS Supervisor disagrees with the finding, the CPS Supervisor will email the OCWI Manager to schedule a telephonic staffing to address the concerns. If



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the CPS Supervisor and OCWI Manager are unable to reach a consensus regarding the finding, they will elevate the issue through their chains of command.

- III. The OCWI Manager will complete a comprehensive review of each investigation using the OCWI Investigative Checklist prior to ending the OCWI Investigators report assignment.

Continuation of OCWI Involvement:

- I. OCWI Investigators may participate in Multidisciplinary Team Meetings throughout the lifetime of a case.
- II. OCWI Investigators may maintain contact with law enforcement and collect updated information pertaining to investigations that are open or pending further information before adjudication. This pertains to joint investigations where criminal conduct abuse against a child was affirmed.
- III. OCWI Investigators may assist law enforcement in unadjudicated investigations by continually updating and initiating an ongoing dialogue between law enforcement and CPS. (e.g. Are child victims or witnesses in need of therapy? What's the status of therapy and are repeat forensic interviews warranted? Has information been captured by CPS to support or refute criminal allegations against a perpetrator?)
- IV. OCWI Investigators and Managers must be contacted by the CPS Case Manager and their CPS Supervisors prior to reunifying a child who was the subject of a confirmed Criminal Conduct report. The CPS Supervisor must schedule a staffing with the OCWI Investigator and Manager to discuss the status of the criminal investigation prior to returning the child to the home.
- V. OCWI investigators may assist CPS in cases involving children in dependent care by continually updating and initiating an ongoing dialogue between law enforcement and CPS. (i.e. Status of criminal case to support or refute the need for continued dependent care? Are arrests pending or in process? Have criminal charges been submitted for prosecution and if so, what is the status? Etc.)
- VI. OCWI investigative research analysts (IRAs) may extend research nationwide regarding criminal history and child protective services investigations of the alleged perpetrators and those associated with the victim. This information can be relayed to law enforcement



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and prosecutors to support prior consistent bad acts of alleged perpetrators to aid in charging. This information may be shared with CPS and Assistant Attorney Generals in determining the need for continued dependency, termination of parental rights, or family reunification.

Special Circumstances:

- I. Critical Incidents: When a critical incident is co-investigated by OCWI and CPS, the OCWI Manager shall immediately provide the DCYF Crisis Response Unit Manager with information regarding:
 - If an arrest has been made: what charges have been filed; the DR number and the local police department contact information.
 - Any information contained in the medical examiner's report.

The DCYF Crisis Response Unit shall advise the OCWI Manager of the date and time of any Critical Incident staffings on cases investigated by OCWI.

- II. Fatality or Near Fatality Public Information: When a child fatality or near fatality is co-investigated by OCWI and CPS, the OCWI manager or assigned OCWI Investigator shall immediately provide the DCYF Crisis Response Unit Manager with information regarding:
 - If an arrest has been made: what charges have been filed; the DR number and the local police department contact information.
 - Any information contained in the medical examiner's report.
- III. Reports Involving DCYF/OCWI Staff:
 - a. The OCWI Chief or designee will be notified immediately by the Child Abuse Hotline regarding any CPS reports involving OCWI personnel. If the report involves Criminal Conduct, the OCWI Chief will coordinate a plan of action for the investigation in conjunction with the DCYF Program Administrator.
 - b. The OCWI Chief or designee will be notified immediately by the Child Abuse Hotline for Criminal Conduct, Response Time 1 reports involving a DCYF staff. The OCWI Chief or designee will be notified via email for all other Criminal



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Conduct reports involving a DCYF staff. The OCWI Chief will coordinate a plan of action for the investigation in conjunction with the DCYF Program Administrator.